

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE: Acetaminophen – ASD-ADHD Products Liability
Litigation**

Docket No. 22-md-3043 (DLC)

This Document Relates To: *All Cases*

**DECLARATION OF ASHLEY C. KELLER
IN SUPPORT OF PLAINTIFFS' RULE 702 MOTION TO
EXCLUDE DEFENDANTS' EXPERT DR. WENDY CHUNG**

1. My name is Ashley C. Keller, and I am a partner at Keller Postman, LLC. I am Co-Lead Counsel for the Plaintiffs in this MDL. I declare under penalty of perjury that the below is true and correct.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Rule 26 Expert Disclosures of Wendy Chung, M.D., Ph.D, including her Report, list of materials reviewed and/or considered, and *curriculum vitae*. Defendants served this document on Plaintiffs on July 21, 2023, in connection with this action.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the August 30, 2023 deposition transcript of the Deposition of Wendy Chung.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Kealan Pugsley et al., *Environmental Exposures Associated With Elevated Risk for Autism Spectrum Disorder May Augment the Burden of Deleterious de novo Mutations Among Probands*, 27 Molecular Psychiatry 710 (2022), which was Exhibit 313 to the August 30, 2023 deposition of Dr. Wendy Chung.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Brennan H. Baker et al., *Environmental Carcinogens Disproportionally Mutate Genes Implicated in Neurodevelopmental Disorders*, Frontiers Neurosci. (Aug. 3, 2023), which was Exhibit 333 to the August 30, 2023 deposition of Dr. Wendy Chung.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Rule 26 Rebuttal Expert Report of Andrea Baccarelli, MD, PhD, MPH. Plaintiffs served this document on Defendants on July 28, 2023, in connection with this action.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Siddharth Srivastava et al., *Meta-Analysis and Multidisciplinary Consensus Statement: Exome Sequencing Is a First-Tier Clinical Diagnostic Test for Individuals with Neurodevelopmental Disorders*, 21 Genetics Med. 2413 (2019), which was Exhibit 305A to the August 30, 2023 deposition of Dr. Wendy Chung.

8. Attached hereto as **Exhibit 7** is a true and correct copy of David S. Moore & David Shenk, *The Heritability Fallacy*, WIREs Cognitive Sci. (2016).

9. Attached hereto as **Exhibit 8** is a true and correct copy of *Gene and Environment Interaction*, Nat'l Inst. Env't Health Scis. (as viewed August 27, 2023), which was Exhibit 319 to the August 30, 2023 deposition of Dr. Wendy Chung.

10. Attached hereto as **Exhibit 9** is a true and correct copy of Emery and Rimoin's Principles and Practice of Medical Genetics and Genomics (Reed E. Pyeritz et al. eds., 7th ed., 2018).

11. Attached hereto as **Exhibit 10** is a true and correct copy of Sunil Q. Mehta & Daniel H. Geschwind, *Chapter 110: Autism Spectrum Disorders*, in of Emery & Rimoin's Principles and Practice of Medical Genetics and Genomics (David Rimoin et al. eds., 6th ed. 2013).

12. Attached hereto as **Exhibit 11** is a true and correct copy of Stephen V. Faraone & Alysia E. Doyle, *Chapter 109: Attention-Deficit/Hyperactivity Disorder*, in Emery & Rimoin's Principles and Practice of Medical Genetics and Genomics (David Rimoin et al. eds., 6th ed. 2013).

13. Attached hereto as **Exhibit 12** is a true and correct copy of the transcript of Wendy Chung, *Autism—What We Know (And What We Don't Know Yet)*, Ted.com (Mar. 2014).

14. Attached hereto as **Exhibit 13** is a true and correct copy of Rule 26 Rebuttal Expert Report of Robert Cabrera, PhD. Plaintiffs served this document on Defendants on July 28, 2023, in connection with this action.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the presentation slides of Wendy Chung, *Is Autism Genetic?*, SPARK (Feb. 21, 2017).

16. Attached hereto as **Exhibit 15** is a true and correct copy of the deposition slipsheet providing a link to an audio excerpt of Wendy Chung, *Is Autism Genetic?*, SPARK (Feb. 21, 2017).

17. Attached hereto as **Exhibit 16** is a true and correct copy of the presentation slides of Wendy Chung, *SPARK and the Future of Autism Research*, SPARK (Apr. 25, 2023), which was Exhibit 315 to the August 30, 2023 deposition of Dr. Wendy Chung.

18. Attached hereto as **Exhibit 17** is a true and correct copy of Scott M. Myers et al., *Insufficient Evidence for “Autism-Specific” Genes*, 106 Am. J. Human Genetics 587 (May 7, 2020).

19. Attached hereto as **Exhibit 18** is a true and correct copy of Christian Schaaf et al., *A Framework for an Evidence-Based Gene List Relevant to Autism Spectrum Disorder*, 21 Nature Revs. Genetics 367 (2020).

20. Attached hereto as **Exhibit 19** is a true and correct copy of Depakote ER Full Prescribing Information, last revised Feb. 2019, which was obtained from the U.S. Food & Drug Administration’s website.

21. Attached hereto as **Exhibit 20** is a true and correct copy of Chris J. Carter & Robert Blizard, *Autism Genes Are Selectively Targeted by Environmental Pollutants Including Pesticides, Heavy Metals, Bisphenol A, Phthalates and Many Others in Food, Cosmetics or Household*

Products, 101 *Neurochemistry Int'l* 84 (2016), which was Exhibit 326 to the August 30, 2023 deposition of Dr. Wendy Chung.

22. Attached hereto as **Exhibit 21** is a true and correct copy of Anthony F. Herzig et al., *The False Dawn of Polygenic Risk Scores for Human Disease Prediction*, *J. Personalized Med.* (2022), which was Exhibit 322 to the August 30, 2023 deposition of Dr. Wendy Chung.

23. Attached hereto as **Exhibit 22** is a true and correct copy of e-mail correspondence including Wendy Chung from June 9 through October 26, 2022.

24. Attached hereto as **Exhibit 23** is a true and correct copy of e-mail correspondence including Wendy Chung from March 14 through March 24, 2022.

25. Attached hereto as **Exhibit 24** is a true and correct copy of e-mail correspondence including Wendy Chung from January 6, 2022.

26. Attached hereto as **Exhibit 25** is a true and correct copy of John Novembre et al., *Addressing the Challenges of Polygenic Scores in Human Genetic Research*, 109 *Am. J. Human Genetics* 2095 (2022), which was Exhibit 322B to the August 30, 2023 deposition of Dr. Wendy Chung.

27. Attached hereto as **Exhibit 26** is a true and correct copy of the deposition slipsheet providing a link to an audio excerpt of Craig Newschaffer, *Four Things to Know About Environmental Autism Risk Factors*, SPARK (Mar. 2017).

Dated: September 19, 2023

Respectfully submitted,

KELLER POSTMAN LLC

/s/ Ashley C. Keller

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**Admitted Pro Hac Vice*

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